

ENVIRONMENT

RESOLUTION NO. 2022194

RE: AUTHORIZING COUNTY EXECUTIVE TO EXECUTE  
AMENDMENT #1 TO THE MEMORANDUM OF AGREEMENT FOR  
INCLUSION AS A VOTING MEMBER TO THE HUDSON RIVER  
DRINKING WATER INTERMUNICIPAL COUNCIL (HUDSON 7)  
AND AUTHORIZING FINANCIAL CONTRIBUTIONS

Legislators CAVACCINI and GELLER offer the following and move its adoption:

WHEREAS, General Municipal Law Section 119-o authorizes municipal corporations to enter into agreements for the performance among themselves or one for the other in their respective functions, powers and duties on an individual, cooperative, joint or contract basis, and

WHEREAS, General Municipal Law Section 119-n defines “municipal corporation” as a county outside the City of New York, a town, a village, a board of cooperative educational services, fire district, or a school district, and defines a “municipal district” as a county or town improvement district, among other things, and

WHEREAS, the Hudson River Estuary is the primary drinking water supply for over 100,000 people in the City and Town of Poughkeepsie, the Village and Town of Rhinebeck, the Town of Hyde Park, the Town of Lloyd and Town of Esopus (known as the “Hudson 7”), which are municipalities within the Counties of Dutchess and Ulster, and

WHEREAS, maintaining and enhancing water quality in the Hudson River and its tributaries is essential to the public health, economic well-being, environmental resources, and quality of life of these communities; and

WHEREAS, Source Water Protection is a series of measures, defined and encouraged through federal and state programs, including the Safe Drinking Water Act amendments of 1996, designed to take a watershed approach to protect public drinking water supplies from contamination, and

WHEREAS, a review of source water protection-related programs by the Center for Watershed Protection and Riverkeeper has recommended a number of actions, including chiefly the development and implementation of a Source Water Protection Program for this water supply, and the formation of an intermunicipal Drinking Water Council to do so; and

WHEREAS, in May 2018, the aforementioned City, Towns, and Village, formed and established a Hudson River Drinking Water Intermunicipal Council (the “Council”) to be comprised of one representative and one alternate from each of the Hudson 7 municipalities; and other entities or individuals (the public) that qualify for membership, as determined by the Council; and

WHEREAS, the Council works together to address issues which efforts may include, but are not limited to:

- (a) Securing and sharing the public and private grants available to address issues pertaining to watershed protection and management;
- (b) Consider and act on the recommendations in the Center for Watershed Protection/Riverkeeper source water protection report; and
- (c) Develop or adopt bylaws that describe how the Council shall function, including decision-making, information on voting procedures, making public statements as a group, regular meetings, subcommittees, strategic plans, and other basic operating principles; and;

WHEREAS, at the time the Council was established, the County of Dutchess was not a member of the said Council, however, they did serve in an advisory position; and

WHEREAS, it is mutually agreed that at this time, it would be beneficial for the County of Dutchess to become a voting member of the Council; and

WHEREAS, the Commissioner of Planning and Development advised that the County by becoming a voting member of the aforementioned Council, shall appoint a member to the council who shall be its designated representative, with voting privileges; and

WHEREAS, by becoming a member of the Council, the County shall contribute a one-time amount not to exceed \$19,999 in order for the Council to hire a legal consultant, as follows: (a) the purpose of the legal consultant shall include, but not be limited to, advising the Council on appropriate organizational structures, exploring the potential of incorporating as a "501c3" entity or remaining as an intermunicipal collective providing a shared service pursuant to General Municipal Law 119-o, accepting monies before incorporating, revising By-laws, implementing mechanisms to allow the council the ability to receive and disburse monies, open bank accounts, adding a treasurer, etc; and (b) since the Council does not yet have the ability to accept such monies, these monies will be controlled and disbursed through the County of Dutchess Planning Department, with submission of appropriate documentation, as required and approved by the said Commissioner or his designee; and

WHEREAS, by becoming a member of the Council, the County shall also commit to allocating \$25,000 annually, starting in 2023, for a period of three (3) years, with a total contribution of \$75,000, in order to provide financial assistance to the Council for purposes of hiring a full time "Protection Coordinator" ("Coordinator") in the near future, who will be responsible for ensuring the goals and/or missions of the Council in protecting the Hudson River as the primary source of drinking water; and

WHEREAS, all original municipalities constituting the Hudson 7 have passed resolutions authorizing the amendment to the original Memorandum of Agreement to include Dutchess County and Ulster County as members, with Dutchess County having voting privileges, and authorized a three-year commitment by each municipality starting in 2023 for their share of financial contributions as described in the attached Amendment #1 to the Intermunicipal Agreement; and

WHEREAS, the County of Ulster shall also be submitting a resolution to their Legislature authorizing their participation as a member of the Council, and authorizing their commitment to a three-year financial contribution; and

WHEREAS, the financial contributions for hiring the aforementioned coordinator shall be contingent upon and shall commence upon the Council's adoption and implementation of a mechanism by which it may accept funds, following advice and counsel from the legal consultant; and

WHEREAS, it is necessary for the Legislature to approve the annexed Amendment #1 to the Memorandum of Agreement for the Hudson River Drinking Water Intermunicipal Council and to authorize the County Executive or his designee to execute the agreement, now, therefore, be it

RESOLVED, that this Legislature hereby approves the proposed Amendment #1 to the Memorandum of Agreement and authorizes the County Executive or his designee to execute such agreement in substantially the same form as attached hereto, contingent on approval and execution by all Hudson 7 members, including the County of Ulster; and be it further

RESOLVED that this Legislature further approves the County of Dutchess financial contributions for the Legal consultant and the Protection Coordinator, as indicated in the annexed Amendment #1, contingent on approval and execution of Amendment #1 by all Hudson 7 members, including the County of Ulster.

CA-129-22  
10/07/22  
LDF/kvh  
G-1834-D  
Fiscal Impact: Attached.

STATE OF NEW YORK  
COUNTY OF DUTCHESS

ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess, have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 9<sup>th</sup> day of November 2022, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 9<sup>th</sup> day of November 2022.



LEIGH WAGER, CLERK OF THE LEGISLATURE

Print

## FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

### APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ 19,999

Total Current Year Revenue \$ 0  
and Source

Source of County Funds (check one): ☒ Existing Appropriations, ☐ Contingency,  
☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other (explain).

Identify Line Items(s):  
8020.4401.105

Related Expenses: Amount \$ 0

Nature/Reason:

Contribution to Hudson 7 Intermunicipal Council to hire a legal consultant to advise it on amending its organizational structure.

Anticipated Savings to County: \$0

Net County Cost (this year): \$19,999  
Over Five Years: \$95,000

### Additional Comments/Explanation:

Seeking Legislative approval to authorize the County Executive to sign the amended Hudson 7 MOU, which makes Dutchess County a voting member of the Hudson 7 Intermunicipal Council, authorizes the one time use of 2022 budgeted funds from A.8020.4401.105 not to exceed Nineteen Thousand Nine-Hundred and Ninety-Nine and 00/100 (\$19,999) Dollars, in order for the Council to hire a legal consultant to advise it on amending its organizational structure and commits all involved parties to a three year schedule of contributions to the Council starting in 2023. Since the Council does not yet have the ability to accept such monies, the 2022 monies will be controlled and disbursed through the County of Dutchess Planning Department, with submission of appropriate documentation.

Prepared by: Brad Barclay

Prepared On: 9/28/2022

Print

**Hudson River Drinking Water Intermunicipal Council**  
**Memorandum of Agreement**  
**Amendment #1**

This Amendment is entered into as of this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by and between the following undersigned participants (hereinafter referred to as "Party", or collectively, as "parties"):

**Town of Esopus**, 284 Broadway, Ulster Park, NY 12487

**Town of Hyde Park**, 4383 Albany Post Road, Hyde Park, NY 12538

**Town of Lloyd**, 112 Church Street, Highland, NY 12528

**Town of Poughkeepsie**, 1 Overocker Road, Poughkeepsie, NY 12603

**City of Poughkeepsie**, 62 Civic Center Plaza, Poughkeepsie, NY 12601

**Village of Rhinebeck**, 76 East Market Street, Rhinebeck, NY 12572

**Town of Rhinebeck**, 80 East Market Street, Rhinebeck, NY 12572

**WHEREAS**, the parties wish to continue to explore ways to protect, conserve, improve, and enhance the water quality in the Hudson River Estuary and its tributaries in this source watershed; and

**WHEREAS**, to continue to carry out the priorities and goals of the Hudson River Water Intermunicipal Council (hereinafter "Council"), also known as the "Hudson 7", the parties now desire financial contributions in order to hire a legal consultant and to hire a full time Protection Coordinator; and

**NOW THEREFORE**, the above parties agree to amend and add certain terms and additional parties to the original Memorandum of Agreement that was executed on May 31, 2018, as follows:

- 1) The parties now agree that the following are now added as members to the Council:  
**County of Dutchess**, 22 Market Street, Poughkeepsie, NY 12601  
**County of Ulster**, 244 Fair Street, Kingston, NY 12401
- 2) The parties agree that the County of Dutchess shall be a voting member. The Dutchess County Executive shall appoint a member to the Council who shall be his designated representative, with voting privileges.
- 3) The Ulster County Executive shall appoint a member to the Council who shall be his designated representative, with no voting privileges.
- 4) All parties, including the County of Dutchess and the County of Ulster, have agreed and committed to allocating funds annually, for three years, as indicated below, in order to provide financial assistance to the Council for purposes of hiring a full time "Protection Coordinator" (hereinafter "Coordinator") in the near future.
  - County of Dutchess shall contribute \$25,000 over a three-year period, with a total contribution of \$75,000.
  - County of Ulster shall contribute \$25,000 annually, over a three-year period, with a total contribution of \$75,000

- City of Poughkeepsie shall contribute \$5,000 annually, over a three-year period, with a total contribution of \$15,000.
  - Town of Poughkeepsie shall contribute \$5,000 annually, over a three-year period, with a total contribution of \$15,000.
  - Town of Hyde Park shall contribute \$5,000 annually, over a three-year period, with a total contribution of \$15,000.
  - Town of Rhinebeck shall contribute \$2,500 annually, over a three-year period, with a total contribution of \$7,500.
  - Village of Rhinebeck shall contribute \$2,500 annually, over a three-year period, with a total contribution of \$7,500.
  - Town of Lloyd shall contribute \$2,500 annually, over a three-year period, with a total contribution of \$7,500.
  - Town of Esopus shall contribute \$2,500 annually, over a three-year period, with a total contribution of \$7,500.
- 5) All parties agree that the financial contributions for hiring a coordinator be contingent upon and will commence upon the Council's adoption and implementation of a mechanism by which it may accept such funds, following advice and counsel from the legal consultant, hired herein.
- 6) The County of Dutchess has committed to contributing an additional one-time amount, not to exceed Nineteen Thousand Nine-Hundred and Ninety-Nine and 00/100 (\$19,999) Dollars, in order for the Council to hire a legal consultant.
- The purpose of such legal consultant will include, but not be limited to, advising the Council on appropriate organizational structures, exploring the potential of incorporating as a 501c3 entity or remaining as an intermunicipal collective providing a shared service pursuant to General Municipal Law 119-o, accepting monies before incorporating, revising By-laws, implementing mechanisms to allow the Council the ability to receive and disburse monies, open bank accounts, adding a treasurer, etc.
  - Since the Council does not yet have the ability to accept such monies, these monies will be controlled and disbursed through the County of Dutchess Planning Department, with submission of appropriate documentation.
- 7) **This Amendment shall not be considered formally adopted until approval and execution by all parties, including the County of Dutchess and County of Ulster.**
- 8) **ALL OTHER TERMS AND CONDITIONS OF THE UNDERLYING AGREEMENT, AND ANY AMENDMENT THERETO NOT EXPRESSLY AMENDED OR ALTERED BY THIS AGREEMENT, SHALL REMAIN IN FULL FORCE AND EFFECT.**

**IN WITNESS WHEREOF, the parties hereto have executed this Amendment Agreement after such approval by each of their respective Chief Executive Officials.**

**EXECUTION OF AMENDMENT #1 TO THE HUDSON RIVER DRINKING WATER INTERMUNICIPAL  
COUNCIL MEMORANDUM OF AGREEMENT**

**TOWN OF ESOPUS**

By (Print Name): \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**EXECUTION OF AMENDMENT #1 TO THE HUDSON RIVER DRINKING WATER INTERMUNICIPAL  
COUNCIL MEMORANDUM OF AGREEMENT**

**TOWN OF HYDE PARK**

By (Print Name): \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



**EXECUTION OF AMENDMENT #1 TO THE HUDSON RIVER DRINKING WATER INTERMUNICIPAL  
COUNCIL MEMORANDUM OF AGREEMENT**

**TOWN OF LLOYD**

By (Print Name): \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**EXECUTION OF AMENDMENT #1 TO THE HUDSON RIVER DRINKING WATER INTERMUNICIPAL  
COUNCIL MEMORANDUM OF AGREEMENT**

**TOWN OF POUGHKEEPSIE**

By (Print Name): \_\_\_\_\_  
Signature: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**EXECUTION OF AMENDMENT #1 TO THE HUDSON RIVER DRINKING WATER INTERMUNICIPAL  
COUNCIL MEMORANDUM OF AGREEMENT**

**CITY OF POUGHKEEPSIE**

By (Print Name): \_\_\_\_\_  
Signature: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**EXECUTION OF AMENDMENT #1 TO THE HUDSON RIVER DRINKING WATER INTERMUNICIPAL  
COUNCIL MEMORANDUM OF AGREEMENT**

**TOWN OF RHINEBECK**

By (Print Name): \_\_\_\_\_  
Signature: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**EXECUTION OF AMENDMENT #1 TO THE HUDSON RIVER DRINKING WATER INTERMUNICIPAL  
COUNCIL MEMORANDUM OF AGREEMENT**

**VILLAGE OF RHINEBECK**

By (Print Name): \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**EXECUTION OF AMENDMENT #1 TO THE HUDSON RIVER DRINKING WATER INTERMUNICIPAL  
COUNCIL MEMORANDUM OF AGREEMENT**

**ACCEPTED: COUNTY OF ULSTER**

By (Print Name): \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**EXECUTION OF AMENDMENT #1 TO THE HUDSON RIVER DRINKING WATER INTERMUNICIPAL  
COUNCIL MEMORANDUM OF AGREEMENT**

**ACCEPTED: COUNTY OF DUTCHESS**

By (Print Name): \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVED AS TO FORM:**

**APPROVED AS TO CONTENT**

\_\_\_\_\_  
**COUNTY ATTORNEY'S OFFICE**

\_\_\_\_\_  
**COMMISSIONER OF PLANNING &  
DEVELOPMENT**